



MISSOURI ETHICS COMMISSION
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James Klahr
Executive Director

February 10, 2017

Re: Advisory Opinion No. 2017.02.CF.007

Dear :

At the February 10, 2017 meeting of the Missouri Ethics Commission, your request for an opinion was discussed.

Opinion

Pursuant to §105.955.16, RSMo, the Missouri Ethics Commission may issue a written opinion regarding any issue on which the Commission can receive a complaint pursuant to §105.957, RSMo. The Commission receives complaints alleging violation campaign finance provisions of Missouri law. This opinion is issued within the context of Missouri's laws governing such issues, and assumes the facts presented by you in your letter.

The question presented is:

Amendment 2 limits contributions to a party to \$25,000 per election. An election is defined as any primary, special or general election held to nominate or elect a candidate.

Since a party is active whenever its candidates are running (i.e. primary election, general election, special elections, nominating caucuses, partisan municipal elections, etc.), will a separate contribution limit apply for each election?

For purposes of the \$25,000 aggregate received by a political party from individuals and candidates, it is the Commission's opinion that the aggregate applies to each election in which a political party participates under the definition of election contained in the constitutional provision.

Supporting Analysis

§ 23.2 provides as follows for aggregate contributions received by a political party.

(2) (a) No political party shall accept aggregate contributions from any person that exceed twenty-five thousand dollars per election at the state, county, municipal, district, ward, and township level combined.

(b) No political party shall accept aggregate contributions from any committee that exceed twenty-five thousand dollars per election at the state, county, municipal, district, ward, and township level combined.

"Political Party" is defined under §23.7(22) as "a political party which has the right under law to have the names of its candidates listed on the ballot in a general election."

"Election" is defined under §23.7(11) as:

any primary, general or special election held to nominate or elect an individual to public office, to retain or recall an elected officeholder or to submit a ballot measure to the voters, and any caucus or other meeting of a political party or a political party committee at which that party's candidate or candidates for public office are officially selected. A primary election and the succeeding general election shall be considered separate elections.

Under Chapter 115 of the Missouri Revised code, a political party has the right to have the names of candidates listed on a ballot in multiple elections throughout the year. The definition of "election" contained in §23.7.11 acknowledges this as it refers to primary, general and special elections, as well as caucuses and other meetings in which a party may officially select a candidate.

Therefore, for purposes of the \$25,000 aggregate received by a political party from individuals and candidates, it is the Commission's opinion that the aggregate applies to each election in which a political party participates under the definition of election contained in the constitutional provision.

Sincerely,



James Klahr
Executive Director